North Central Regional Transit District
Board Meeting
Friday, May 7, 2010

1. CALL TO ORDER:

A regular monthly meeting of the North Central Regional Transit District Board was called to order on the above date at approximately 9:00 a.m. by Chair Rosemary Romero at the Rio Arriba County Commission Chambers, 1122 Industrial Park Road, Española, New Mexico.

a. Pledge of Allegiance

b. Moment of Silence

c. Roll Call

Roll call indicated the presence of a quorum as follows:

Members Present:

City of Española	Councilor Robert Seeds,
Los Alamos County	Councilor Michael Wismer, Mr. Tony Mortillaro
Rio Arriba County	Mr. Tomas Campos
Pojoaque Pueblo	Mr. Tim Vigil
San Ildefonso Pueblo	Ms. Sandra Maes
Santa Clara Pueblo	Sheriff Pat Naranjo
City of Santa Fe	Councilor Rosemary Romero, Mr. Jon Bulthuis
Santa Fe County	Commissioner Liz Stefanics, Ms. Penny Ellis-Green
Tesuque Pueblo	Mr. Charles Dorame
Taos County	Commissioner Dan Barone

Members Absent

Ohkay Owingeh

Staff Members Present

Ms. Josette Lucero, Executive Director
Mr. Jack Valencia, Transit Project Manager
Ms. Christina Cordova, Marketing Manager
Mr. Ivan Guillen, Assistant Regional Coordinator
Ms. Cynthia Halfar, Executive Assistant
Ms. Cindy Altheyab, Finance Specialist
Mr. Peter Dwyer, Counsel for NCRTD

Others Present
Mr. Andrew Jandáček, Santa Fe County
Mr. Greg White, NMDOT
Mr. Lorenzo Valdez
Mr. David Trujillo
Mr. Max Baker
Mr. Mike Molina

d. Introductions

Those present introduced themselves to each other.

e. Approval of Agenda

Ms. Lucero believed the action item for the Intergovernmental Contract might take some time. She requested it be considered at the end of the meeting. She said they could finish next time if they didn't complete it at this meeting.

Commissioner Stefanics moved to approve the Agenda as amended. Ms. Maes seconded the motion.

Ms. Maes asked for clarification on what they were doing with 3-a.

Chair Romero said they would start discussing and if it took too long, they would move it later.

The motion passed by unanimous voice vote.

f. Approval of Board Meeting Minutes, April 16, 2010

Ms. Maes asked that her last name be corrected to Maes, not Maez.

Councilor

Commissioner Seeds moved to approve the minutes of April 16, 2010 as amended. Mr. Campos seconded the motion and it passed by unanimous voice vote.

g. Public Comments Regarding Transportation Items or Issues

There were no public comments made.

2. PRESENTATIONS

a. Presentation to honor the retirement of Max Baker as Administrator of Los Alamos County

Mr. Valencia said that under Mr. Baker's leadership and at the County Council had helped the NCRTDs reach where it was today. Local match created transit opportunities regionally. Los Alamos had a very integral part in the RTD. Although he was a quiet person, he had been passionate in his vision. The NCRTD now honors him in his retirement.

Mr. Baker said this was very unexpected to me. He felt really good about the opportunity to work with their northern New Mexico neighbors. Los Alamos had been this place on the hill where people from the valley worked and continued to be isolated. But with the leadership of the Rio Arriba Commission, the Los Alamos Council decided to work with its neighbors and did so. He thought they did so effectively. He gave credit to Mr. Mortillaro who did their intergovernmental work and caused the relationships to develop. He thanked the Board for this honor.

Mr. Valencia explained that LANL changed its tax status as a result of the new contract. They were previously under the University of California and had changed their status.

b. Presentation to honor the retirement of Lorenzo Valdez as County Manager of Rio Arriba County

Chair Romero stated that during the years there had been numerous issues that crossed paths with Mr. Valdez. He handled all of them with grace and skill.

Mr. Valencia became personally involved about 4 years ago when he was told to go chase the money and he sat with Mr. Valdez and together discovered the Los Alamos vision. Mr. Valdez kept pushing to get this on the ballot as soon as possible. He started the RTD working on the GRT election. They had common friends they had known forever. He recognized Mr. Valdez for the vision and insight.

Mr. Valdez noted that there was always more history than met the eye. It was hard to get past jurisdictional boundaries. He thanked Mr. Guillen for all of his work. He and Max Baker developed a relationship over the years that predated the RTD. He really appreciated Los Alamos. They started out with the landfill and went to many other collaborations.

c. Presentation of the NMPTA award recipients for 2010 NCRTD Garners Top Award for Job Access Reverse Commute (JARC) Transit System of the Year Award from NEW MEXICO Department of Transportation Rail and Transit Division

Ms. Cordova presented the 2009 NARC Transit System of the Year Award in the place of David Harris who couldn't be there to present the award. 10,230 riders in March set a new record..

Ms. Lucero mentioned that Los Alamos County got the same award for their 5311 program.

d. Presentation to honor NCRTD bus driver Mike Molina, first place award recipient for the NMPTA's Road-eo Van Competition

Mr. Valencia recognized Mike Molina. He announced that Mr. Molina got the individual award in the van driving competition and would now go to the national competition. He won the state award last year and placed 7th in the nation last year. The NCRTD wished him luck and thanked him for his accomplishment.

3. ACTION ITEMS – APPROVAL / DISCUSSION

a. Approval of 2010 Intergovernmental Contract

Ms. Lucero gave some history. She noted that it had one amendment - to add Taos County. The Board asked legal staff to revise it in the membership section. The recommendations went out to everyone in December and three comments were submitted by members. Most of those were incorporated in this document. It was also discussed in the Finance Committee and they recommended it come to the full Board.

Chair Romero asked if Mr. Mortillaro chaired that Committee meeting and affirmed that they made that recommendation.

Mr. Mortillaro said he did.

Mr. Dwyer noted that some of the members were on the committee and had heard his changes. At the end of the Finance Committee meeting there was some misapprehension about the changes proposed so he would go over them carefully to make sure everyone was on the same page.

He referred the members to the IGC in the packet at 3 a. He noted that some of the items were just for cleaning up the document. He agreed to go page by page.

Page 1 was the title of the document.

Page 2 contained the definitions used in the contract.

On Page 3 he indicated that the term "services" was included because one thing that was being changed was to deal with the difference between regional transit and transit services. The NCRTD was allowed to provide all kinds of transit service.

On Page 3 at the bottom was a section that acknowledged the City of Santa Fe had their own internal process for deciding how certain of the routes would be approved and they wanted that included in the approved service plan.

Charles Dorame arrived at this time.

Page 4 dealt with geographic issues.

Mr. Mortillaro referred to item d about local service and returning part of the GRT back to the local entities.

Mr. Dwyer explained that there were two entities that were receiving funds from the RTD for providing transit locally - Los Alamos and Santa Fe. Rio Arriba and Española were integrated into the RTD. It was up to the Board to decide how to categorize them. The intent here was to recognize the status quo. The contract should agree with current practice and activities.

The NCRTD was conceived of for regional transit but over time there had been some emphasis on less regionalization and on continuation of local service. He explained that he was not trying to buck the Board's intent.

Mr. Mortillaro wanted to make sure the Board could continue what they were doing in the funding of the two systems at present with a portion of the GRT for regional services.

Mr. Dwyer said there was a section that if the RTD wanted to fund something local in nature with RTD funds they could do so. In order to do they should do a full cost reimbursement from that member. But the RTD was not doing that now. It was his opinion, as Counsel for the NCRTD, if the Board said there would be full cost reimbursement on a local route, it should be done that way. It was a legal issue that should be resolved.

Mr. Dwyer explained that it didn't depend on who provided the service. Many different entities provided the service. But when the NCRTD received the GRT revenues the Board had to know how to disburse them. The agreement now said the funds provided for local would be billed for reimbursement.

Commissioner Stefanics asked if local service was just within one county and not connected with the Rail Runner.

Mr. Dwyer said there was no statutory definition for local service. It remained undefined. But it was hard to say the Española service was now regional.

Commissioner Stefanics thought it was regional. The whole thing about connecting to the Rail Runner might be local but connected with other areas. That was why she saw them as regional

Española crossed over a county line so it was regional.

Ms. Lucero said the local plan needed to be in the regional. In Los Alamos they proved in their plan that

it was regional because it was connected to the RTD system.

Santa Fe Trails went outside the City and connected with the Rail Runner. Española connected with Park and Ride so she thought the concept remained regional. So it was not the intent to fund local services.

Mr. Dwyer didn't want there to be any question that they were complying with their own IGC. Anyone who came in could read it and agree that they were complying.

Mr. Mortillaro wanted to make sure any description fit the policy .

Ms. Lucero thought maybe item d should be kept regional.

Mr. Mortillaro suggested they list the concerns and then come back to them next time.

Mr. Dwyer agreed. Chair Romero agreed.

Mr. Dwyer asked if the Board wanted a definition of local or just be defined through the planning process annually.

Commissioner Stefanics asked if a definition of local service would mean only within one county with no connectors. A definition would help new members.

Ms. Lucero agreed and added that there had to be a regional standard. Mr. Dwyer said okay.

Commissioner Seeds said the RTD was all regional. It crossed county lines everywhere. They should write it so it didn't conflict.

Chair Romero thought they had given clear direction for Mr. Dwyer with it.

Commissioner Stefanics asked if they were providing something in Taos only or Rio Arriba only. She wasn't thinking of the Rail Runner but was asking if they were doing something local that the RTD funded.

Mr. Bulthuis said the regional system also included regional connections that were system wide.

Ms. Lucero agreed that everything connected with systems to the outside. Los Alamos did not come off the hill but they connected to Park and Ride up there. That was how the RTD designed the system to be regional.

Mr. Campos said at one time or another they might have been just local but didn't think they were isolated any longer.

Mr. Mortillaro said they had to capture Mr. Bulthuis's description of the connectivity within the system.

Mr. Dwyer said he made the change to empower or expand the decision making of the Board. So it was legal to fund local service in the agreement.

4- Boundaries: Mr. Dwyer changed the membership to "may include" so that membership was not automatic.

Mr. Smith asked if there would be any conflict of the contract with the state statute.

Mr. Dwyer said there was no conflict but added that they were not tied to it. The Board chose weighted voting for instance that was not in the statute.

6 - Mr. Dwyer said this section repeated the concept of boundaries.

11- Mr. Dwyer put in an exhaustive list of things the Board might want to know about an entity seeking to become a member.. Those should be done by resolution and have a public meeting that would deal with their case for why they should become a member.

Commissioner Seeds asked if this was verbiage this Board had come up with or if it was taken from other places.

Mr. Dwyer said it was new language and didn't relate to anything in the past. He added that it was not in conflict with any other rule or statute.

Commissioner Seeds asked if the members had to be a municipality.

Ms. Lucero said they needed to be a governmental entity.

Commissioner Stefanics thought there should be an equal standing for all so it was identified that some were and some were not. If a municipality wanted to join and didn't have a JARC or could apply for a JARC, there could be potential revenue that could come into play. It was just an idea.

Mr. Dwyer said it was at the end of the list.

After that section it talked about what the Board could do with the application. It also talked about follow up with amended agreements. Once approved the Board could not make any entity seeking membership jump through other hoops.

Commissioner Stefanics referred to the bottom of 11 and top of 12 and asked what people paid to join.

Ms. Lucero explained that when NCRTD started the DOT required a match and the member entities matched for two years. After that the Los Alamos GRT paid for everyone's match.

Commissioner Stefanics thought if the Board wanted to have some financial commitment from applicants, it should be clearly identified vs. capitalization which was different.

Ms. Lucero agreed and asked for any suggestions on how to have that stated more clearly.

Commissioner Stefanics suggested they would make a minimum contribution -

Chair Romero noted that those who joined at the beginning made a significant contribution. For others coming in, it was an equity issue.

Mr. Dwyer preferred that be done by resolution at the Finance Committee and hopefully this wouldn't change all the time.

Commissioner Stefanics clarified that her point was that contribution and capitalization were different things.

Commissioner Seeds said there was already tax being paid by those people.

Commissioner Stefanics said the tax revenue was collected by the state.

Mr. Dwyer explained that the tax was charged to the whole region and not county by county.

Commissioner Stefanics mentioned that Santa Fe County was doing a solar tax credit of $250 so maybe there was a minimum contribution fee for joining NCRTD to show that the entity was serious about this.

Mr. Vigil asked Mr. Dwyer to explain the GRT process and how the money flowed.

Mr. Dwyer explained that the elections had to be county based but the law provided that the GRT was collected by the State and then was distributed to the government entities including the RTD who then decided how to spend it.

Chair Romero asked Mr. Vigil if he had other language to consider or add to the IGC.

Mr. Vigil asked if other counties could do something similar to the RPA of Santa Fe County.

Chair Romero thought that for Santa Fe, it was the fairest way to distribute the funds but it did have its own complications. It seemed to be the mechanism that was most fair but it was a difficult process.

Mr. Dwyer clarified that he was here as counsel for this Board and didn't always agree with the counsels of the members.

His opinion was that the revenues belonged to the RTD. This Board would make the decisions on how to spend the revenues. But there were prior commitments made and he recommended the Board continue to honor its commitments.

Commissioner Stefanics said the RPA was a legal body. Last year it took six months to get the agreement completed but this year it only took 2 months.

Mr. Vigil appreciated the work the RPA had done but pointed out that originally the RPA was a five mile

radius from the center of the City of Santa Fe and when the area was expanded and included transportation, the other entities did not have any say about the agenda items for RPA consideration.

Mr. Bulthuis pointed out that with respect to voting strength, by definition, more new members meant existing members would lose some strength.

Ms. Lucero said she calculated the possibilities and determined that the NCRTD could reach 19 members. The thought was that the original ten members gave their blood , sweat and tears and they just wanted to make it worth their effort.

Commissioner Seeds suggested the issue was power vs. service. Service should be first. He wondered why entities that were already receiving the services would want to have board membership.

On Page 12, Mr. Dwyer said the District's boundaries were what created the ability to tax so changing the territory would affect who got taxed. The general feeling was to not mess with it. The recommendation was very clear.

Mr. Mortillaro suggested in the first paragraph on that section to say the District would continue to provide services if the entity paid for its membership. Mr. Dwyer agreed.

Mr. Mortillaro asked for clarification of the second paragraph (dealing with membership termination).

Mr. Dwyer suggested that members should take this up with their counsels. If a member left, all it meant was giving up their vote. That did not relieve that community of the tax burden. The next section said the same thing.

However, if the NCRTD dissolved, there could be negotiation on who gets what. There was a new transit center in Española and the Board would have to decide what to do with it.

Commissioner Stefanics asked how long the tax authority was in effect.

Ms. Lucero said it was good for 15 years.

Chair Romero thanked everyone for the discussion. She noted that Mr. Dwyer had been given additional matters to consider in the resolution for the Finance Committee. It would be vetted there and action taken by the Board in June.

b. Approval of Regional Planning Authority 2011 Service Plan

Chair Romero expressed gratitude for all the hard work by Mr. Bulthuis and Mr. Jandáček on the Service Plan. It took two months of vetting. The process was clear after lots of good discussion. It was a great exercise and the RPA embraced it with a unanimous vote.

Ms. Lucero added that the RTD work closely with Ms. Ellis-Green, Mr. Jandáček and Mr. Bulthuis on it.

It was less painful this year. Ms. Ellis-Green took the lead and for which she was grateful. Staff recommended approval.

Commissioner Stefanics moved to approve the RPA 2011 Service Plan. Mr. Campos seconded the motion and it passed by majority voice vote with Ms. Maes voting against.

c. Approval of NCRTD FY 2012 Letter of Intent to Apply for Federal Funding

Ms. Lucero said she would be contacting each member about their needs to include in the application intent letter and needed approval by the Board to submit the letter.

Commissioner Stefanics moved to approve the letter of intent to apply for federal funding. Commissioner Seeds seconded the motion and it passed by unanimous voice vote.

4. DISCUSSION ITEMS

a. Tribal Subcommittee Report

Mr. Valencia reported that the Tribal Subcommittee met the same day that the RPA met and they dealt with Tribal Transit funding. They wanted to continue their dialogue with the RPA.

b. Executive Report for April 2010

Ms. Lucero referred to her written report and agreed to respond to any questions.

Ms. Cordova handed out the NCRTD newsletter.

Chair Romero said the newsletter looked great and thanked Ms. Cordova for doing it.

c. NCRTD Ridership Reports for March 2010

Ms. Lucero referred to the ridership reports in the packet. She pointed out that as the Board had requested, the first page included Atomic City Transit and Santa Fe Trails and the second page was RTD routes only.

d. Budget and Expenditure Reports

Ms. Lucero shared the budget and expenditures reports. She explained that the first report was the GRT Report and the second was the remainder of the Budget. She pointed out that on the second page it showed the expenditures for tribal entities.

At 11:00, Councilor Wismer and Commissioner Barone were lost to the phone.

e. **Closed Session: Executive Session on Personnel Matters: Annual Evaluation of Executive Director**

Commissioner Seeds moved to go into closed executive session pursuant to NMSA 1978 Section 10-15-1 (H) (2) to discuss limited personnel matters. Mr. Mortillaro seconded the motion and it passed by unanimous roll call vote with the City of Española, the County of Los Alamos, Rio Arriba County, the Pueblo of Pojoaque, the Pueblo of San Ildefonso, the Pueblo of Santa Clara, the City of Santa Fe, Santa Fe County and the Pueblo of Tesuque voting in favor and none voting against.

The Board went into executive session at 11:03 a.m.

At 12:45 the Board returned to open session.

Commissioner Seeds moved to return to open session. Mr. Dorame seconded the motion and it passed by unanimous roll call vote with the City of Española, the County of Los Alamos, Rio Arriba County, the Pueblo of San Ildefonso, the City of Santa Fe and the Pueblo of Tesuque voting in favor and none voting against.

f. **Action: Approval of Executive Director Evaluation**

Mr. Mortillaro moved to instruct the attorneys to complete the executive Director Evaluation pursuant to the Board's discussion. Mr. Campos seconded the motion and it passed by unanimous voice vote.

5. MATTERS FROM THE BOARD

Chair Romero announced her hope that they could do a Board assessment and an orientation. Training could include a presentation from TRD and perhaps deal with cross cultural issues.

6. MISCELLANEOUS

Mr. Valencia announced the RTD was contacted by Transportation of America to assist in reauthorization of Tribal inclusion. He got an email that they were including tribes for national reauthorization.

7. NEXT BOARD MEETING: June 4, 2010

The City of Santa Fe invited the RTD Board to meet there in June.

NOTE: A week after the meeting the date of this board meeting was changed to June 11, 2010.

8. ADJOURNMENT

Commissioner Seeds moved to adjourn the meeting. Mr. Campos seconded the motion and it passed by unanimous voice vote. The meeting adjourned at 12:55 p.m.

Approved by:

Rosemary Romero, Chair

Attest:

Michael Wismer, Secretary/Treasurer

Submitted by: